

REMARKS

Claims 1-17 are pending in this application. Reconsideration of this application is respectfully requested.

I. §102 Rejection

The Office Action rejects claims 1, 4-15 and 17 under 35 U.S.C. §102(b) over U.S. Patent No. 4,136,458 to Bell et al. ("Bell"). This rejection is respectfully traversed.

Independent claim 1 recites, *inter alia*, "a damper, . . . such that relative motion between the first member and second member is damped as they are brought into contact with one another (emphasis added)." Bell does not disclose teach or suggest such a feature.

Bell discloses a measurement probe which responds to forces in both axial directions, either towards or away from the probe (e.g., see Bell at column 1, lines 6-12). The probe in Bell comprises a housing 21, 22 and a stylus holder 38 that supports a stylus assembly 30. First and second plates 41 and 42 are located within the housing. The first plate 41 is provided with three pairs of rods 52b, 52c spaced at 120° (e.g., see Bell at col. 4, lines 4-9 and Figs 3 and 4). The second plate 42 is provided with an inner set of balls 57a, 57b, 57c spaced at 120° and which co-operate with the three pairs of rods. An annular flange 27 of the housing is provided with an outer set of balls 56a, 56b, 56c which are also in a co-operating arrangement with three pairs of rods (e.g., see Bell at column 4, lines 10-17 and Fig 4). Springs 43 and 44 bias the plates 41 and 42 towards one another (column 5, lines 6-10).

When the Bell device is in operation, an axial force may push the stylus assembly 30 towards the probe housing causing stylus holder 38 to push plate 42 upwards. Plate 41 cannot travel any further upwards because it is held in place by annular flange 27. This causes the

contact between the balls and steel rods between plates 41 and 42 to break, thereby breaking an electrical circuit and producing a probe output (e.g., see Bell at column 5, lines 11-25).

When an axial force pulls the Bell stylus assembly 30 away from the probe housing, the stylus holder 38 pulls down on plate 42, which in turn pushes down plate 41, resulting in the steel rods on plate 41 breaking contact with the balls on annular flange 27. This breaks an electrical circuit and produces a probe output (e.g., see Bell at column 5, lines 26-38).

Applicants respectfully submit that the object of springs 43,44 in Bell is to bias the first and second plates 41 and 42 together. Therefore, although spring 44 may have a damping effect between second plate 42 and housing 21 as second plate 42 moves away from plate 41, spring 44 would have **an accelerating effect, rather than a damping effect**, on the relative motion between the second plate 42 and first plate 41 as the second plate 42 is again brought into contact with first plate 41. Further, although spring 43 may have a damping effect on first and second plates 41 and 42 as they move fixedly together towards housing 22, under such an operational condition there is no relative motion between the respective plates and, therefore, spring 43 does not damp the "**relative motion between the first member and second member**," as recited in the claims.

Accordingly, it is respectfully submitted that claim 1 is patentably distinguishable over the applied art. Independent claims 12 and 17 recite similar features and, therefore, are patentably distinguishable over the cited references for at least the same reason. Claims 4-15 depend from independent claims 1 and 12, respectively, and are likewise patentably distinguishable over the applied art for at least their dependence on allowable base claims, as well as for additional features they recite. Accordingly, withdrawal of this rejection is respectfully requested.

II. §103 Rejection

The Office Action rejects claim 2 under 35 U.S.C. §103(a) as unpatentable over Bell in view of U.S. Patent No. 5,041,806 to Enderle et al. ("Enderle"). Further, the Office Action rejects claims 3 and 16 under 35 U.S.C. §103(a) as unpatentable over Bell in view of U.S. Patent No. 5,259,122 to Ichiba et al. ("Ichiba"). These rejections are respectfully traversed.

Independent claims 1 and 12 recite "*inter alia*, "a damper, . . . such that relative motion between the first member and second member is damped as they are brought into contact with one another (emphasis added)." For reasons stated above, Bell fails to disclose, teach or suggest such a feature. Neither Enderle or Ichiba overcome the above-described deficiency of Bell. Therefore, even if combined, neither the Bell/Enderle nor the Bell/Ichiba combination would have resulted in the combinations of features recited by claims 1 and 12.

For at least these reasons, it is respectfully submitted that claims 1 and 12 are patentably distinguishable over the applied art. Claims 2-3 and 16 depend from independent claims 1 and 12, respectively, and are likewise patentably distinguishable over the applied art for at least their dependence on allowable base claims, as well as for additional features they recite. Accordingly, withdrawal of this rejection is respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-17 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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